

Breana Tate

Raymond Smith

Race and Ethnicity in American Politics

12 April 2016

## LGBT Native Americans

### **Keywords:**

Two-Spirit, Gender Binary, Red Power Movement, LGBT

### **Description:**

The issues faced by LGBT Native Americans are many, but are generally unaddressed by mainstream American society. Most interestingly, while the United States has made noteworthy progress in extending equal rights to LGBT citizens, most notably Equal Marriage rights, many Native American tribes choose to not recognize same-sex marriages.

### **Key Points:**

- Two-spirit is an umbrella term. Different tribes also have different translations of the term in their respective languages.
- For the most part, two-spirit individuals were well respected and had established roles in their tribes before colonization imposed European standards of marriage and sexuality.
- Native American tribes are not bound to US civil laws, making it the individual decision of the tribe to formally recognize same-sex marriage, and action many tribes have not taken.
- Acceptance of two-spirit individuals is on the rise, due in part to the Red Power Movement of the 1960s.

**Issue Brief:**

Native-Americans make up approximately two percent of the United States population. Within that two percent is an even smaller minority of Native Americans that identify as LGBTQ. Within the Native American community, the term two-spirit is generally used to refer to LGBT Native Americans. The term broadly refers to individuals who may be male-bodied or female-bodied but exhibit traits of the opposite sex and do not necessarily conform to one gender. It replaced the French term *berdache* in the 1990s, a word that is now considered offensive and does not accurately represent the “diverse experiences of Native peoples who weren’t of only the male and female genders in their cultures”(Pullin). Historically, two-spirited people have had special tribal roles due to their ability to perform jobs meant for either gender. Two-spirited people have been healers, visionaries, matchmakers, and a plethora of other important roles. While the majority of tribes began with a positive view of two-spirited people, with the introduction of European Colonialism, Western ideals of same-sex couples, patriarchy, and a gender binary influenced Native American traditions, leading to the ostracizing of two-spirited people (Swadhin). However, these ideals became less prominent in the 1960s during the Red Power Movement and respect for two-spirited people became more popular (Williams). Today, depending on the tribe, there still exists some discrimination and reluctance to accept Two-Spirit Native Americans. Some people are shamed for their preference of attire or flamboyant behavior, causing them to be isolated from other members of their tribe.

Although two-spirit individuals have regained a degree of respect in Native American communities, there are still several issues they face. Due to the status of Native American tribes as sovereign nations, they are not subject to conform to many of the civil laws as the United States (King). Because of this, the June 2015 decision declaring same-sex marriage bans

unconstitutional had no effect on the marriage policies within Native American tribes besides sparking a conversation on whether to legalize (and in some circumstances re-legalize) same-sex marriage themselves. Before the Supreme Court legalized same-sex marriage in all 50 states, two Native American men, named Jason Pickel and Darran Black Bear, were able to wed under tribal law in late 2013, despite the state of Oklahoma (where they reside) having a ban on same-sex marriage. At that time, their marriage was recognized within their tribes, by the federal government, and by states that recognized same-sex marriage (Stern). This is an example of the distinction that exists between tribal and state laws in the domestic sphere. However, this being said, there are several small tribes that have written laws saying their marriage structure will be based off of that of the state in which they reside, that allow for same-sex marriage. The two largest tribes in the United States, the Navajo and the Cherokee continue to ban same-sex marriage and have only reaffirmed those laws following the landmark Supreme Court decision (King). However, even if their tribe does not officially recognize same-sex marriage, it does not mean that LGBT Native Americans are barred from marrying under United States Federal law, where their marriage will be legally recognized.

Though there have been great strides regarding the acceptance of two-spirited people in the Native American community since European colonization, there is still work to be done in encouraging full acceptance of not only behavior and attire, but of the right to have a marriage fully recognized under tribal law.



Two-spirit people. Digital image. *Drexel*. Drexel University, n.d. Web. 1 Apr. 2016.



Pickel, Jason. *Jason Pickel and Darran Black Bear*. Digital image. N.p., 22 Oct. 2013. Web. Couple whose marriage was recognized by their tribes in late 2013, but not by the state of Oklahoma.

#### **Relevant Websites:**

<http://nativeout.com/twospirit-rc/two-spirit-101/>

<http://www.glaad.org/tags/native-american>

<http://www.algbtical.org/2A%20TWOSPIRIT.htm>

## Works Cited

- King, James. "Two Largest Native American Tribes In U.S. Ban Gay Marriage." *Vocativ*. Vocativ, 7 Apr. 2015. Web. 20 Feb. 2016.
- Pullin, Zachary. "Two Spirit: The Story of a Movement Unfolds." *Native Peoples*. Native Peoples Magazine, May 2014. Web. 02 Mar. 2016.
- Stern, Mark Joseph. "Native American Marriage Equality: The Post-DOMA Loophole." *Slate*. Slate, 25 Oct. 2013. Web. 1 Apr. 2016.
- Swadhin, Amita. "Native American Advocates Discuss Suquamish Tribe Marriage Equality Ruling." *GLAAD*. GLAAD, 14 Sept. 2011. Web. 01 Mar. 2016.
- Williams, Walter L. "The 'two-spirit' People of Indigenous North Americans." *The Guardian*. Guardian News and Media, 11 Oct. 2010. Web. 02 Mar. 2016.